

Attorneys for Magento, Inc.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Defendant.

) **STIPULATION AND ~~[PROPOSED]~~ ORDER**  
 ) **MODIFYING CASE MANAGEMENT**  
 ) **SCHEDULING ORDER**

IT IS HEREBY STIPULATED by and between Plaintiff X.Commerce, Inc. d/b/a/ Magento, Inc. (“Magento”) and Defendant Express Mobile, Inc. (“Express Mobile”) as follows:

WHEREAS, the Court entered a Case Management Scheduling Order on October 26, 2017 (Dkt. 44);

WHEREAS, the parties have agreed that it would be mutually beneficial to make some minor modifications to the case schedule to accommodate the schedule of Express Mobile’s counsel, including (a) extending Express Mobile’s deadline to respond to Magento’s first set of discovery requests to January 11, 2018; (b) extending Magento’s deadline to serve its Patent L.R. 3-3 and 3-4 Invalidity Contentions and Document Production by one week to January 25, 2018; and (c) extending the deadlines under Patent L.R. 4-1 by one week to February 2, 2018;

WHEREAS, there has been only a single prior schedule modification in this case and the requested extensions will not affect any other scheduled dates or events in this action;

NOW, THEREFORE, pursuant to Civil Local Rule 6-2, the parties hereby stipulate to the following modifications to the Case Management Scheduling Order:

Description	Current Date	New Date
Magento serves Invalidity Contentions and Document Production (LPR 3-3, 3-4)	1/18/2018	1/25/2018
Exchange of proposed terms for claim construction (LPR 4-1)	1/26/2018	2/02/2018
Exchange of proposed claim constructions and extrinsic evidence (LPR 4-2)	2/16/2018	No change
Express Mobile serves Damages Contentions (LPR 3-8)	2/26/2018	No change
Joint Claim Construction and Prehearing Statement (LPR 4-3)	3/06/2018	No change
Magento serves Responsive Damages Contentions (LPR 3-9)	3/28/2018	No change

Completion of claim construction discovery (LPR 4-4)	4/05/2018	No change
Express Mobile files Opening Claim Construction Brief (LPR 4-5(a))	4/20/2018	No change
Magento files Responsive Claim Construction Brief (LPR 4-5(b))	5/04/2018	No change
Express Mobile files Reply Claim Construction Brief (LPR 4-5(c))	5/11/2018	No change
Parties will exchange tutorial materials and meet and confer regarding coordination of tutorial presentation	5/16/2018	No change
Claim Construction hearing	5/23/2018 @ 9:30 am	No change

IT IS SO STIPULATED.

Dated: January 4, 2018

Respectfully Submitted,

By: /s/ Robert Dean Kiddie, Jr.

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Attorneys for Defendant Express Mobile, Inc.

1 Dated: January 4, 2018

By: /s/ Irene Yang

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Attorneys for Plaintiff X. Commerce, Inc.,  
d/b/a Magento, Inc.

11 **SIGNATURE ATTESTATION**

12 Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing  
13 of this document has been obtained from each of the other Signatories shown above.

14 Dated: January 4, 2018

By: /s/ Robert Dean Kiddie, Jr.  
Robert Dean Kiddie, Jr.

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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4 Dated: 1/5/18



5 The Honorable Richard Seeborg  
6 UNITED STATES DISTRICT JUDGE  
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